

No.

In the Supreme Court of the United States

**Paul Lamar Hunter
PETITIONER**

v.

**Jeff Leggett,
ET AL., RESPONDENTS**

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

Paul Lamar Hunter
Pro Per
7600 Blanco Road #4802
San Antonio, TX 78216

Email:

plh19of21@gmail.com
(210-749-6319)

QUESTION PRESENTED

The main issue before the Court pertains to the determination of subject matter jurisdiction by the Seventh Circuit of the Eastern District of Wisconsin. The Plaintiff needs to be informed that a necessary hearing, as per Turner vs. Rogers, 564 U.S. 431 (2011), was not conducted.

The Appellate has raised concerns regarding subject matter jurisdiction in various state court proceedings due to the absence of the required Turner hearing. This raises questions about the potential violation of the Appellant's due process rights and whether it constitutes a valid legal basis for court intervention?

The Accardi Doctrine Requires government officials to follow agency regulations which has become an important rule of law even when it's not convenient.

Unpublished agency guidelines are not considered binding rules under this doctrine, but guidelines that establish procedural and substantive restraints to protect individuals from arbitrary treatment by government officials should be covered. It's important to have a consistent application of these rules, especially in cases where individual rights are affected. See United States ex rel. Accardi vs. Shaughnessy, 347 U.S. 260 (1954).

(I)
PARTIES TO THE PROCEEDING

Petitioner (plaintiff-appellant below) is Paul Lamar Hunter. Respondents (defendants-appellees below) are Jon Fredrickson in his official and individual capacity, Faye Flancher in her official and individual capacity, Kristin Cafferty in her official and individual capacity, Jeff Leggett in his official and individual capacity, Heather Krause in her official and individual capacity, Theodore Spyress in his official and individual capacity, Scott Craig in his official and individual capacity, Aaron Lamberty in his official and individual capacity as State Actors and contractors of the Racine County Child Support Agency.

(II)
TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED.....	2
OPINION BELOW.....	6
JURISDICTION.....	7
CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS INVOLVED.....	8
STATEMENT OF THE FACTS.....	9
APPELLATE RESULT BELOW.....	11
REASON FOR GRANTING PETITION.....	12
ARGUMENT.....	13
CONCLUSION.....	14
Appendix A - Court of appeals - Order on Findings of Fact and Conclusions of law; No.22-3146 (July.21, 2023).....	15
Appendix B - Court of appeals - Order No.22-3146 (July 14,2023).....	16
Appendix C - Court of appeals - Order No.22-3146 (June 15,2023).....	18
Appendix D - District Court - Order and Decision No. 22-00424 (October 31, 2022)	22
REQUEST FOR ORAL ARGUMENT.....	41

TABLE OF AUTHORITIES

Cases:

42 U.S.Code 1983.....	9
<i>Accardi vs. Shaughnessy</i> , 347 U.S. 260 (1954).....	2,13
<i>Exxon Mobil Corp v. Saudi Basic Indus Corp..</i>	
544 U.S. 280, 284 (2005)	12
<i>Pioneer Hi-Bred</i> , 35 F.3d at 1242.....	12
<i>Turner v. Rogers</i> , 564 U.S. 431	
(2011).....	7,9,10,12,13, 14,
<i>White vs. Nix</i> , 43 F.3d 374.....	11
<i>Mains</i> , 852 F.3d at 678.....	11

Constitution, statutes, and regulations:

42 U.S.Code 1983.....	9
28 U.S.C. §1257.....	7
Fifth Amendment.....	8
First Amendment.....	8
Fourteenth Amendment.....	8
Rooker-Feldman Theory.....	7,11,13,14
Second Amendment	8
Sixth amendment.....	8
Uniform Interstate Family Support Act (UIFSA).....	10,11

No.

In the Supreme Court of the United States

Paul Lamar Hunter
PETITIONER

v.

Jeff Leggett,
ET AL., RESPONDENTS

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

Paul Lamar Hunter, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case.

OPINIONS BELOW

In October, 2022, the Eastern District of Wisconsin's ruling, indexed as 22-cv-00424, rejected the lawsuit filed by the

Appellant, Paul Lamar Hunter, acting as his own representative. The State of Wisconsin, Judges Jon Fredrickson, Faye Flancher, Kristin Cafferty, Child Support Director Jeff Leggett, Child Support attorneys Heather Krause, Theodore Spyress, Scott Craig, and Aaron Lamberty, are all being accused individually and collectively under the color of state law. This data was released in October 2022.

On July 21, 2023, the Seventh Circuit issued its judgment in Paul Lamar Hunter, Appellant vs. Jeffrey Leggett et al., Index No. 22-3146, which resulted in the dismissal of the Appellant's case. The Appellant claims that the failure to hold a needed hearing in accordance with *Turner v. Rogers*, as well as the disregard for the necessity for subject matter jurisdiction, violated his right to a fair hearing and resulted in the loss of personal freedom. As a result, the Rooker-Feldman doctrine hypothesis holds that the absence of a "final order" renders the review judgments unjustified by the circumstances of this particular case.

JURISDICTION

The judgment of the Seventh Circuit court of appeals was entered on July 21, 2023. This writ is brought under 28 U.S.C. §1257(a) which provides the Supreme Court with jurisdiction over final judgments of state courts in cases involving federal law, including subject matter jurisdiction.

The present case involves questions of federal law regarding subject matter jurisdiction, including the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) and the Rooker-Feldman doctrine. The decision by the Seventh Circuit Court, Eastern Wisconsin dismissing the Appellees complaint against is reported 22-cv-00424 as Jon Fredrickson, Faye Flancher, Kristen Cafferty, Jeff Leggett, Heather Krause, Theodore Spyress, Scott Craig, and Aaron Lamberty

In their severally, jointly and in their individual and personal capacities as Judge\Prosecutors as State Actors

under the Color of State law. As reported in June 2023.

CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS INVOLVED

United States Constitution First Amendment: Congress shall make no law Respecting an establishment of religion, or prohibiting the free exercise thereof; or Abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution Second Amendment: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. United States Constitution Fifth Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. United States Constitution Sixth amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for, obtaining witnesses in his favor, and to have the assistance of counsel for his defense United States. Constitution Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. *Turner v. Rogers*, 564 U.S. 431 (2011) was a decision decided by the United States Supreme Court in which the Court ruled that a defendant in a child support contempt action must be given appropriate notice and an opportunity to be heard before being imprisoned. The Court determined that, even if the defendant is represented by counsel, a civil contempt hearing that may result in jail requires that the defendant be given notice of the allegations and an opportunity to be heard.

STATEMENT OF THE FACTS

Section 42 USC 1983 allows a litigant to bring a civil action against an individual who violates his constitutional rights while acting under the color of state law. Appellant Paul Lamar Hunter, pro se, challenges the decision of the Judge, which was based on the District Court lacking subject-matter jurisdiction to hear the case. Appellate argues that the Judge was biased in the decision so as to cover-up the fraudulent actions of the Appellant's with the Family Court. On January 08, 2020, the Appellant was given contempt by Judge Jon Fredrickson and Child Support Attorney Aaron Lamberty without Turner hearing through due process. Then, Judge Jon Frederickson issued an arrest warrant on the Appellant without facts and finding. On February 16, 2021 Plaintiff appeared in court with Scott Craig, and Theodore Spyress and challenged the subject matter jurisdiction of court and judge during several family court proceedings throughout the years 2020 and 2022. Plaintiff submitted several notices in support of his jurisdictional challenge prior to court proceedings to the Appellees. Jon Fredrickson and other defendants failed to acknowledge and establish the subject matter jurisdiction on the record in state court. Plaintiff invoked his constitutional rights to a Turner Rogers trial by jury, and maintained his challenge to the subject jurisdiction matter. Despite filing

numerous submissions and pleadings in efforts, Appellant was not given a required Turner Roger Hearing. As a result of the Appellees failing to take any action or acknowledge Appellant subject matter jurisdiction challenges. Appellant suffered damages directly linked to the Appellees' actions and non action. Furthermore, the Appellant has not received a judicial order or judgment signed by a judicial officer. Family Court is governed by the policies and procedures of the Uniform Interstate Family Support Act (UIFSA) which is a foreign treaty that was adopted by the United States on or about 1996. The Appellate was not informed that he was under the control of the Hague Convention - Appellate has the right not to enter into any treaty pursuant to the 10th Amendment to the United States Constitution. The functions and job descriptions of the staff of the Family Court are controlled by a federal contract that was approved by the Governor of the State of Wisconsin. See attachment. Upon information and belief, the Appellate is entitled to relief in the lower court based on the case law wherein the ability to pay is a threshold matter to incarceration. The guidelines must include requirements that the IV-D agency must screen the case for information regarding the noncustodial parent's ability to pay or otherwise comply with the order. See, the final rule, we amended 45 CFR§303.6(c)(4) in re Turner vs. Rogers, 564 U.S. 431 (2011).

Appellant argued in the complaint that the violations of due process and others protected rights that has been inflicted upon him by so-called independent and foreign actors while these said actors convinced the public of a simulated and deceptive judicial process. Appellant's position is that the only appropriate level of strict scrutiny is that of constitutional review within the District Courts. The problem started with the federal contracts and the harsh and severe punishment that are detailed in the four walls of the contract. Being that the provisional terms of this Title IV-D contract are

unconstitutionally vague with respect to due process, then the Appellate seeks compensatory and monetary relief.

APPELLATE RESULT BELOW

Even where the Appellant did not raise any jurisdictional issues, this court is obligated to raise such jurisdictional issues if it perceives ANY. See, White vs. Nix, 43 F.3d 374 (8th Circuit 1994) (quoting Lewis vs. United States Farmers Home Admin., 992 F.2d 767, 771 (8th Circuit 1993)). On or around October 31, 2022, the District Court denied Appellant's complaint under the Rooker Feldman Doctrine, a District Court lacks jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court judgments." Exxon Mobil Corp v. Saudi Basic Indus Corp..544 U.S. 280, 284 (2005). Appellant's complaint has raised concerns of the lower state court did not conduct a required Turner Hearing and Appellant is not seeking to overturn any state court order or judgment. Notably, the District Court did not acknowledge any references to the inclusion of foreign laws pursuant to the UIFSA and to the Title IV-D contracts that were signed in agreement with state officials as the highest level. The eighth Circuit Court of Appeals has very recently cautioned that "subject matter jurisdiction should not be used to dismiss a case containing even a remotely plausible federal claim if the parties and the courts have already made [a] vast expenditure of resources." See, Pioneer Hi-Bred, 35 F.3d at 1242. On or around June 15th, 2023, the United States Court of Appeals dismissed the Appellant complaint for lack of jurisdiction under Rooker-Feldman. See Mains, 852 F.3d at 678. We **AFFIRM** the judgment as modified.

On December 19th, 2022, the Appellant submitted a Writ of Praecept to Amend the appearance of Plaintiff to the appeal court, notably the Seventh Circuit did not respond to the Appellant.

On June 15th, 2023, Appellant received an order from the United States Court of Appeals. submitted a motion for Rule 50(a)“facts of findings and conclusion of law” to the Seventh Circuit Court of Appeals, notably the Seventh Circuit denied the motion without explanation or providing conclusion of facts, the Circuit response “DENIED” on July 21st, 2023.

On July 13th, 2023, the Appellant submitted a motion for Rule 50 (a) “Findings of Fact and Conclusion of Law” to the Seventh Circuit Court of Appeals, notably the Seventh Circuit gave me a rehearing and the mandate was RECALLED. The Court of Appeals construed the petition for a rehearing; all members of the original panel voted to deny the petition. The Appellant did not submit a motion for requesting a Rehearing. The Appellant submitted a motion for “Findings of Fact and Conclusions of Law” to be answered.

On July 13th, 2023 the Appellant submitted a motion for Findings of Fact and Conclusions of Law. On July 14th, 2023, and notably the Seventh Circuit denied the motion without explanation or providing conclusion of facts, the Circuit response “DENIED”.

On July 20th, 2023 Appellant submitted a second motion for Rule 50(a) “facts of findings and conclusion of law” to the Seventh circuit Court of Appeals. On July 21st, 2023 the Seventh circuit denied the motion without explanation or providing conclusion of facts, the Seventh circuit response “**IT IS ORDERED** that the motion is **DENIED**.”

REASONS FOR GRANTING THE PETITION

Turner v. Rogers, 564 U.S. 431 (2011) refers to the legal authority for the Supreme Court of the United States to hear a case through a writ of certiorari. In the case of Turner v. Rogers, the subject matter jurisdiction is based on the fact that

the Eastern District of Wisconsin, Milwaukee Division, had jurisdiction over the case as a state court of record. The issue before the Supreme Court in this case was whether the Rooker-Feldman doctrine applies in the absence of a "final order" being issued, and whether in light of the fact that a mandatory Turner hearing was never conducted by the lower state court. As to the "fake and deceptive judicial process" and "We agree with the district court that Hunter's suit is so devoid of merit that it fails to engage the jurisdiction of the federal courts" arguments being used to dispose of this case, despite Appellant due process was violated as they did not conduct the required Turner hearing which means the Appellant is not a state court loser.

ARGUMENT

- 1) Does the Rooker-Feldman doctrine apply in the absence of a "final order" being issued from the lower State court?
- 2) How can the lower State court accept Due Process Error and proceed to violate the Plaintiff in court?
- 3) How can the Plaintiff be a State court loser without a final state court order. In light of the fact, the Plaintiff did not receive a Turner hearing?
- 4) If the lower Federal District court states they do not have subject matter jurisdiction over this matter, then how can the lower State court have subject matter in light of the fact they are not adhering to federal and state laws pursuant to "45 CFR§303.6(c)(4)" which they must do?
- 5) Since the Appellant has it on good authority from the Governor's office that the Racine County Child Support Agency is a Private organization, in light of the "*Accardi Doctrine*" how are their actions at the state level be seen as anything other than unconstitutional acts by the higher courts as they have no governmental powers or authority whatsoever?

- 6) Since the lower State is aware of no final order, how can the Rooker-Feldman doctrine apply to this case in light of the fact that Due Process Violation.

The decision conflicts with the constitutional, statutory, and other provisions involving the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) on subject matter jurisdiction is a question of federal law that requires this Court's review. The present case raises critical questions about the interplay between the Rooker-Feldman doctrine and the requirement of a mandatory *Turner* hearing in the context of subject matter jurisdiction. The resolution of these questions will have a significant impact on the administration of justice and the practice of law in the federal courts. Therefore, the undersigned counsel respectfully requests that this Court grant the petition for a writ of certiorari and provide guidance on the important issues presented in this case.

CONCLUSION

Wherefore the Appellate asks that the court grant his writ of certiorari and extraordinary writ of certiorari.

Respectfully submitted.

APPENDIX A

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen

United States Courthouse Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

July 21, 2023

By the Court

ORDER

No. 22-3146	PAUL HUNTER, Plaintiff - Appellant v. JEFF LEGGETT, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:22-cv-00424-JPS Eastern District of Wisconsin District Judge J. P. Stadtmueller	

Upon consideration of the **MOTION FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW**, filed on July 20, 2023, by the pro se appellant, **IT IS ORDERED** that the motion is **DENIED**.

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE
SEVENTH CIRCUIT

Everett McKinley Dirksen

United States Courthouse Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

July 14, 2023

By the Court:

ORDER

No. 22-3146	PAUL HUNTER, Plaintiff - Appellant v. JEFF LEGGETT, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 2:22-cv-00424-JPS Eastern District of Wisconsin District Judge J. P. Stadtmueller	

The following is before the court: **MOTION FOR A FINDING OF FACT AND CONCLUSIONS OF LAW**, filed on July 13, 2023, by the pro se appellant.

On July 13, 2023, the appellant submitted a document that appears, in substance, to be a petition for rehearing. The court

will construe the document as a request to recall the mandate and file the late petition for rehearing.

IT IS ORDERED that the request is **GRANTED**. The mandate is **RECALLED**, and the clerk of this court shall file the document as a petition for rehearing and distribute it to the panel.

APPENDIX C
NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

Before

DIANE S. SYKES, Chief Judge

THOMAS L. KIRSCH II, Circuit Judge

JOHN Z. LEE, Circuit Judge

No. 22-3146

PAUL HUNTER,

Plaintiff-Appellant,

v.

JEFF LEGGETT, et al.,

Defendants-Appellees.

Appeal from the United
States District Court for
the Eastern District of
Wisconsin.

No. 22-CV-424-JPS

J.P. Stadtmueller,
Judge.

ORDER

Paul Hunter seeks to overturn a Wisconsin state-court order related to his unpaid child support. The district court dismissed the case for lack of subject-matter jurisdiction, ruling that the Rooker-Feldman doctrine barred his claims. We affirm.

We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

After Hunter failed to pay child support and appear at a hearing, a Wisconsin state judge held him in contempt and issued a warrant for his arrest. The judge ruled that Hunter could purge the contempt order by paying \$3,000 or by requesting a hearing to demonstrate his inability to pay. Hunter instead asked the court to dismiss the arrest warrant. The court's commissioner denied the request, and another judge scheduled a hearing for Hunter to appeal the commissioner's decision. But Hunter asked that the hearing be canceled, and the court removed the hearing from its calendar.

Hunter then brought this suit in federal court against Wisconsin state-court judges, the state-court commissioner, and others for failing to dismiss the warrant. Citing various constitutional amendments (the First, Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth), as well as several federal statutes (most notably, 31 U.S.C. § 3720D, which lays out the garnishment procedures for an agency collecting money owed to the United States), he claimed to be injured by the warrant and the garnishment of his unemployment benefits and tax refunds. The defendants, in turn, moved to dismiss the complaint based on the Rooker-Feldman doctrine, which prohibits "cases brought by state-court losers complaining of injuries caused by state-court judgments." Exxon Mobil Corp.

v. Saudi Basic Indus. Corp., 544 U.S. 280, 283–84 (2005) (citing *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983)).

The district judge dismissed Hunter’s constitutional claims without prejudice and his statutory claims with prejudice. Regarding the constitutional claims, the judge determined that these were barred under Rooker-Feldman because Hunter sought to “revisit and undo actions taken by the state court.” The claims were alternatively barred, the judge ruled, under the domestic-relations exception to federal jurisdiction, which blocks federal adjudication of cases involving child-custody decrees. See *Ankenbrandt v. Richards*, 504 U.S. 689, 693–95 (1992). As for Hunter’s statutory claims, the judge explained that Hunter could not state a claim under 31 U.S.C. § 3720D because the statute is limited to federal debtors, and Hunter alleged that the IRS applied his benefits and refunds to his debt owed to Racine County. Nor could Hunter, the judge added, bring a civil suit under the many criminal statutes he listed in his complaint.

On appeal, Hunter argues generally that the district judge misapplied the Rooker- Feldman doctrine. But the judge correctly ruled that the doctrine blocks Hunter’s suit. Hunter expressly seeks to challenge the state-court order authorizing his arrest, and seeks an injunction against the contempt order, an endeavor squarely prohibited by Rooker-Feldman. See *Mains v. Citibank, N.A.*, 852 F.3d 669, 676 (7th Cir. 2017). Hunter also seeks to undo and prevent further garnishment of his unemployment benefits and tax refunds, which the IRS applied to his debt with the Racine County Child Support Agency. But the alleged garnishment injury is rooted in the state court’s determination that he owed \$3,000, see *Harold v. Steel*, 773 F.3d 884, 885–86 (7th Cir. 2014), and only a Wisconsin appellate court or the Supreme Court of the United

States can overturn that judgment. Exxon Mobil Corp., 544 U.S. at 284.

Hunter also contests the application of Rooker-Feldman on grounds that he was never provided a hearing to challenge the state-court judgment. But while Rooker-Feldman does not apply when “state-court rules or procedures” deprive a plaintiff of a reasonable opportunity to raise his claims in state court, Hadzi-Tanovic v. Johnson, 62 F.4th 394, 408 (7th Cir. 2023) (citation omitted), Hunter has not identified any such obstacles. Indeed, to the extent indigency was a hindrance, Hunter was informed in the order authorizing his arrest that he could purge the contempt order by seeking a hearing to show his inability to pay. But rather than pursue that option, Hunter asked the court to remove a hearing from its calendar.

A final note regarding the disposition. Although we affirm the judgment dismissing this case, we modify it to be without prejudice to Hunter’s statutory claims insofar as he complains of injuries that are inseparable from the state court’s judgments. Dismissal for lack of jurisdiction under Rooker-Feldman must be without prejudice, see Mains, 852 F.3d at 678, and at least one of Hunter’s statutory claims, purportedly brought under 31 U.S.C. § 3720D, appears to allege the same injury as his constitutional claims about garnishment that the district court lacked jurisdiction to address. To the extent Hunter alleges injuries independent of the state court’s orders—apparently including his claims that assert, improperly in a civil suit, that defendants violated criminal statutes—we affirm the judgment dismissing those claims with prejudice.

We AFFIRM the judgment as modified.

APPENDIX D

**UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF WISCONSIN**

PAUL HUNTER,
Plaintiff,

v.

JEFF LEGGETT, FAYE FLANCHER, JON FREDRICKSON,
HEATHER KRAUSE, KRISTIN CAFFERTY, THEODORE
SPYPRESS, SCOTT CRAIG, AARON LAMBERTY, and
STATE OF WISCONSIN,

Defendants.

Case No. 22-CV-424-JPS

ORDER

This case comes before the Court on (1) Defendants Jeff Leggett, Heather Krause, Theodore Spyress, Scott Craig, and Aaron Lamberty's (the "County Defendants") motion to dismiss, ECF No. 11; (2) Defendants Faye Flancher, Jon Fredrickson, Kristin Cafferty, and the State of Wisconsin's (the "State Defendants" and together with County Defendants, "Defendants") motion to dismiss, ECF No. 16; (3) Plaintiff Paul Hunter's ("Hunter") motion for permanent injunction,

ECF No. 14; and (4) Hunter's two requests and/or motions to amend his complaint, *see generally* ECF Nos. 15, 23, 24.

Hunter did not file an opposition to either the County Defendants' or State Defendants' motions to dismiss, nor has he filed an extension of time to do so. Both motions were filed with accompanying certificates of service confirming that they were served on Hunter by United States mail. ECF Nos. 13, 16-1. The Court has afforded Hunter ample opportunity to oppose Defendants' motions to dismiss, and well over the 21 days permitted by the Local Rules for an opposition, even with the extra three days afforded to Hunter where service is made by mail. Civ. L.R. 7(b); Fed. R. Civ. P. 6(d). Civil Local Rules 7(b) and (d) warn that “[f]ailure to respond to [a] motion may result in the Court deciding the motion without further input from the parties,” and that “[f]ailure to comply with [motion] briefing requirements . . . may result in sanctions up to and including the Court denying or granting the motion.”

However, Hunter has filed his own motions in the interim, all of which Defendants have opposed, and which are now ripe for a decision. Thus, the Court cannot say that Hunter is not prosecuting his case. *See Bell v. Kozak*, No. 18-CV-1150-PP, 2019 WL 4261069, at *1 (E.D. Wis. Sept. 9, 2019) (dismissing case for failure to respond to dispositive motion *and* failure to diligently prosecute) (citing Civ. L.R. 7(d)). Accordingly, in line with Seventh Circuit guidance, the Court will consider Defendants' motions to dismiss to determine whether they state adequate grounds for the relief requested. *Bonvolanta v. Delnor Cnty. Hosp.*, 413 F. Supp. 2d 906, 908 (N.D. Ill. 2005) (citing *Nabozny v. Podlesny*, 92 F.3d 446, 457 n.9 (7th Cir. 1996) (“[T]he Seventh Circuit...requires that before granting a dispositive motion as unopposed, the trial judge must look at the motion to determine whether it states adequate grounds for the relief requested.”)). The Court also considers and

adjudicates Hunter’s intervening motions for permanent injunction and to amend his complaint.

Because the Court determines that Defendants’ motions to dismiss, ECF Nos. 11, 16, state adequate grounds for the relief requested, it will grant them. The Court will further deny Hunter’s motion for permanent injunction, ECF No. 14, and his requests and/or motions to amend his complaint, ECF Nos. 15, 23, 24, because the Court determines that any amendment would be futile on the basis of the *Rooker-Feldman* doctrine. Consequently, the Court will dismiss the entire action.

1. LEGAL STANDARD

Federal Rule of Civil Procedure 12(b) provides for the dismissal of complaints which, among other things, “fail[] to state a claim upon which relief can be granted.” Fed. R. Civ. P. 12(b)(6). To state a claim, a complaint must provide “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The allegations must “plausibly suggest that the plaintiff has a right to relief, raising that possibility above a speculative level.” *Kubiak v. City of Chicago*, 810 F.3d 476, 480 (7th Cir. 2016) (internal citation omitted). Plausibility requires “more than a sheer possibility that a defendant has acted unlawfully.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 556 (2007)). The Court is required to “accept as true all of the well-pleaded facts in the complaint and draw all reasonable inferences in favor of the plaintiff.” *Kubiak*, 810 F.3d at 480–81. However, the Court “need not accept as true legal conclusions, or threadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” *Brooks v. Ross*, 578 F.3d 574, 581 (7th Cir. 2009) (citing *Twombly*, 550 U.S. at 555–56).

2. RELEVANT ALLEGATIONS

2.1 Legal Framework

Hunter brings causes of action for alleged violations of his First, Fourth, Fifth, Sixth, Seventh, Eighth, and Fourteenth Amendment constitutional rights. Hunter's causes of action for the alleged constitutional violations (the first through fifth causes of action) are labeled as against all of the individual Defendants. ECF No. 1 at 17–24. The same is true for Hunter's catch-all cause of action under 42 U.S. § 1983 (the eleventh cause of action), which appears to be a claim under *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978).¹ *Id.* at 33–34 (referencing enforcement of “an alleged Company Requirement and Policy”).

Hunter also brings a cause of action, labeled as against all of the individual Defendants, under 31 U.S.C. § 3720D (the tenth cause of action). ECF No. 1 at 30–31. That statute lays out the garnishment procedure to be followed by “the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States.” Failure to follow the procedures set forth in Section 3720D gives rise to a private right of action “against the government agency ordering the improper” garnishment. *See Pine v. Dep't of Educ.*, No. 20-CV- 527, 2020 WL 4334885, at *7 (E.D. Pa. July 28, 2020) (“Congress necessarily implied a monetary remedy if the Government perpetrates an illegal exaction pursuant to their authority.”) (internal citations omitted).

Hunter additionally purports to bring his civil suit under a variety of criminal statutes (the sixth through ninth causes of action). ECF No. 1 at 24–30 (causes of action labeled as arising under 15 U.S.C. § 645, 18 U.S.C. § 241, 18 U.S.C. § 242, and 18 U.S.C. § 245, respectively). The Court will summarily grant Defendants' motions to dismiss with prejudice these causes of action because, generally, “[f]ederal criminal statutes do not provide a private cause of action for

civil liability.” *Stephens v. Felsch*, No. 3:20-CV-00729-GCS, 2020 WL 9607901, at *1 (S.D. Ill. Sept. 25, 2020). “Indeed, the Supreme Court has explained that it has rarely implied a

¹*Monell* provides a vehicle for municipal liability under Section 1983 if the plaintiff establishes that there is an underlying policy that caused the harm. *Monell*, 436 U.S. at 690. private right of action under a criminal statute, and where it has done so, there was at least a statutory basis for inferring that a civil cause of action of some sort lay in favor of someone.” *Lockhart v. HSBC Fin. Corp.*, No. 13 C 9323, 2014 WL 3811002, at *8 (N.D. Ill. Aug. 1, 2014) (internal citations omitted). Here, “[t]here is no language in the statutes [identified by Hunter] that would imply a cause of action.” *Williams v. Drakaina Logistics*, No. 21- CV-1436, 2022 WL 36957, at *6 (E.D. Cal. Jan. 3, 2022) (holding no private cause of action under 15 U.S.C. § 645, 18 U.S.C. § 241, 18 U.S.C. § 242, and 18 U.S.C. § 245). Thus, the Court will dismiss with prejudice Hunter’s sixth through ninth causes of action.

2.2 Factual Allegations

Hunter filed this action on April 5, 2022 and paid the filing fee in full. ECF No. 1. Hunter’s claims are difficult to comprehend. This is so because Hunter’s complaint, in part, quotes from inapposite case law and statutes. *See, e.g., id.* at 4 (citing Supreme Court of Montana case law on separation of powers). However, as best as the Court can discern, Hunter’s claims against Defendants stem from their handling of his Wisconsin state court child support case, which was closed on January 8, 2020.²

It appears that the case was closed by a “Default Finding of Contempt and Order for Commitment” finding that (1) Hunter had notice

2See *Munoz v. Hunter*, 1999FA000174 (Racine Cnty. Cir. Ct. Feb. 10, 1999), available at <https://wcca.wicourts.gov/caseDetail.html?caseNo=1999FA00174&countyNo=51> (last visited Oct. 31, 2022); *see also Ennenga v. Starns*, 677 F.3d 766, 774 (7th Cir. 2012) (court may take “judicial notice of the dates on which certain actions were taken or were required to be taken in the earlier state-court litigation—facts readily ascertainable from the public court record and not subject to reasonable dispute”). Hunter additionally attaches as exhibits to his complaint a variety of documents from his state court child support case. ECF No. 1-1.

of a January 3, 2020 hearing and failed to appear, (2) Hunter was previously ordered to pay child support, and (3) Hunter was in contempt for “willful failure to comply with orders previously issued by the court.” ECF No. 1-1 at 2. The same order served as a warrant for Hunter’s arrest for his failure to pay court-ordered child support. *Id.* The order instructed Hunter that he “may purge the contempt upon his[] payment of \$3,000.00.” *Id.* It further explained that “[i]f [Hunter] is unable to pay the amount of the purge, [Hunter] may seek a hearing.” *Id.* The order was issued and signed by Defendant Jon Fredrickson (“Fredrickson”) and noted the appearance at the June 3, 2020 hearing of Defendant Aaron Lamberty (“Lamberty”).

Hunter alleges that, on November 24, 2020, he requested dismissal of the arrest warrant, which request Defendants Fredrickson, Faye Flancher (“Flancher”), Kristin Cafferty (“Cafferty”), Jeff Leggett (“Leggett”), Scott Craig (“Craig”), Lamberty, Heather Krause (“Krause”), and Theodore Spypress (“Spypress”) did not act upon. ECF No. 1 at 12. Fredrickson,

Flancher, and Cafferty are judges at the Racine County Circuit Court. *Id.* at 10–11. Craig is the commissioner of the Racine County Circuit Court. *Id.* at 11. Lamberty, Krause, and Spypress are child support attorneys at the Racine County Child Support Agency (the “RCCSA”). *Id.* at 10–11. Leggett is a child support attorney and the child support director of the RCCSA. *Id.* at 10; ECF No. 12 at 7.

On February 4, 2021, Hunter states that he filed “court papers, affidavits and motions into the court record.” ECF No. 1 at 10. On February 16, 2021, Hunter “appeared in court” where he “filed affidavits and motions to the court record to dismiss the case.” *Id.* Craig, Fredrickson, Flancher, Leggett, Lamberty, Krause, and Spypress did not act on Hunter’s affidavits, motions, and objections, and continued the case. *Id.* They also did not act on two “Notices of violation of due process” that Hunter filed on February 23, 2021 and March 3, 2021, respectively. *Id.* On March 10, 2021, they again did not act on affidavits that Hunter filed. *Id.* at 13. On March 26, 2021, the RCCSA garnished Hunter’s unemployment benefits. *Id.* Hunter sent objection affidavits to Craig, Fredrickson, Flancher, Leggett, Lamberty, Krause, and Spypress, who again did not act on them. *Id.* On March 29, 2021, Hunter filed an affidavit titled “Administrative Office of the United States Court” to the Racine County Sheriff’s Office (the “RCSO”), which was “refused and dismissed.” *Id.* On April 5, 2021 and April 8, 2021, Hunter again filed court papers, which he alleges in his complaint Craig, Fredrickson, Flancher, Leggett, Lamberty, Krause, and Spypress did not act on. *Id.*

The attachments to Hunter’s complaint (which appear to be a very limited sample of the full state court record) bely many of his assertions surrounding the early 2021 time period. The attachments indicate that one of Hunter’s early 2021 filings was a proposed order granting dismissal with prejudice of the

case. ECF No. 1-1 at 12. On April 27, 2021, Cafferty issued an order declining the proposed order and noting the following:

If Mr. Hunter’s proposed order is seeking dismissal of his warrant, Mr. Hunter was given an opportunity to appeal the commissioner’s decision of 2/16/2021 at a hearing before the court on 4/9/2021. Mr. Hunter’s letter of 3/3/21 asked for a dismissal of the 4/9/2021 hearing and the hearing was taken off the court’s calendar. The statutory time has now passed for a de novo review hearing.

Id. at 12, 16. From the attachments, another order appears to have been issued declining Hunter’s requests on April 28, 2021. *Id.* at 14.

On June 3, 2021, Hunter alleges that he received a letter from the “U.S. Department of the Treasury Bureau of the Fiscal Service” stating that his tax refund was applied to a debt that he owed to the RCCSA. ECF No. 1 at 13–14. On June 4, 2021, Hunter sent papers to Leggett requesting review of the alleged debt. *Id.* at 14. Leggett, Krause, Lamberty, and Spypress continued to take no action on Hunter’s filings. *Id.* On June 16, 2021, Hunter sent a judicial notice to the RCSO “in regards to dismissing the arrest warrant,” on which he did not receive a response, and “the arrest warrant remains active.” *Id.* On June 25, 2021, the RCSO informed Hunter that he would have to contact the RCCSA to remove the arrest warrant. *Id.*

On August 18, 2021, Hunter states that he received a second letter from the “U.S. Department of the Treasury Bureau of the Fiscal Service,” informing him that his second tax refund was also applied to a debt that he owed to the RCCSA. On August 23, 2021, Hunter filed an affidavit “demanding an Offset hearing to review debt allegedly owed.” *Id.* at 15. Leggett, Krause, Lamberty, and Spypress did not act on the request. *Id.* Craig, Fredrickson, Flancher, Leggett, Lamberty, Krause, and

Spypress did not act on additional court filings by Hunter on September 8, 2021 and October 8, 2021. *Id.*

On October 15, 2021, Hunter avers that he hired a process server to serve affidavits demanding an “administrative offset hearing” on Wisconsin Governor Tony Evers and Wisconsin Attorney General Josh Kaul. *Id.* at 15. On October 21, 2021, Hunter contacted the district attorney’s office in Racine County, which referred him to “the Child Support Agency or family court.” *Id.* On October 25, 2021, Governor Tony Evers sent Hunter a letter informing him “to return to court to change a court order.” *Id.* On October 29, 2021, Hunter requested that the “Department of Workforce Development Unemployment Insurance Division” investigate his garnishment records. *Id.* at 16. That agency declined, referring Hunter “back to the Child Support Agency.” *Id.* On November 4, 2021, Hunter again requested an administrative offset hearing, which the request was not granted. *Id.* On March 4, 2022, Hunter hired a process server to serve court papers on Cafferty, who did not take any action on such papers. *Id.* Finally, on March 11, 2022, Hunter made a final request for an administrative offset hearing, which was not granted. *Id.*

According to Hunter, Defendants’ conduct has resulted in his unlawful participation “as a condition of his employment” in a “company requirement work performance contract through wage garnishments in exchange for his labor” without “due process and equal protection of the laws.” ECF No. 1 at 2.

3. ANALYSIS

3.1 Section 3720D

Section 3720D implies a private right of action against a government agency ordering garnishment in violation of the procedures set forth in the statute. *Pine*, 2020 WL 4334885, at *7. However, by its terms, Section 3720D’s garnishment

procedures apply only to agencies administering programs “that give[] rise to a delinquent nontax debt owed *to the United States*.” 31 U.S.C. § 3720D (emphasis added). Here, Hunter “has not alleged that . . . Defendants are seeking to recover a debt owed to the United States.” *Williams*, 2022 WL 36957, at *7. Indeed, any debt owed appears to be to Racine County. *Id.* (analyzing identical claim against Fresno County and Solano County Department of Child Support Services and concluding the debt subject to the garnishment was due to the counties, not the United States). Therefore, the Court will grant Defendants’ motions to dismiss this claim (Hunter’s tenth cause of action) with prejudice.

3.2 Defendants’ Motions to Dismiss

The Court is constrained to find that it lacks jurisdiction over Hunter’s constitutional claims (the first through fifth causes of action), and consequently his standalone Section 1983 claim (the eleventh cause of action, which appears to be a claim under *Monell*, 436 U.S. 658)3 pursuant to the *Rooker-Feldman* doctrine. *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). Consequently, the Court will dismiss these claims without prejudice.4

The *Rooker-Feldman* doctrine provides that “the Supreme Court of the United States is the only federal court that may review judgments entered by state courts in civil litigation.” *Harold v. Steel*, 773 F.3d 884, 885 (7th Cir. 2014). Thus, lower federal courts are prohibited from presiding “over claims seeking review of state court judgments . . . no matter how erroneous or unconstitutional the state court judgment may be.” *Remer v. Burlington Area Sch. Dist.*, 205 F.3d 990, 996 (7th Cir. 2000). “It is settled that a plaintiff may not seek a reversal of a state court judgment simply by casting his

complaint in the form of a civil rights action.” *Ritter v. Ross*, 992 F.2d 750, 754 (7th Cir. 1993).

Accordingly, the doctrine prohibits federal jurisdiction over claims that are “inextricably intertwined” with state court determinations. *Jakupovic v. Curran*, 850 F.3d 898, 902 (7th Cir. 2017); *see also Ritter*, 992 F.2d

3 Where *Rooker-Feldman* is at play, it serves to bar claims under Section 1983, including if raised through the *Monell* vehicle. *Cervantes v. City of Harvey*, 373 F. Supp. 2d 815, 821 n.4 (N.D. Ill. 2005).

When a district court dismisses a claim for lack of jurisdiction, the dismissal must be without prejudice. *Mains v. Citibank, N.A.*, 852 F.3d 669, 678 (7th Cir. 2017). at 754 (“Plaintiffs who lose in state court may not recast their claims in federal court under the guise of federal constitutional claims . . . if the constitutional claims are inextricably intertwined with the merits of the state court judgment.”) (quotations omitted). While there is “no bright line” to separate those federal claims that are “inextricably intertwined” with state claims from those that are not, the Seventh Circuit teaches that the key question is whether “the injury alleged by the federal plaintiff resulted from the state court judgment itself or is distinct from that judgment.” *Ritter*, 992 F.2d at 754; *Young v. Murphy*, 90 F.3d 1225, 1231 (7th Cir. 1996).

The underlying substance of Hunter’s filings indicates that “the state court proceedings . . . are the subject of the case” and that “[h]ad he prevailed [in state court] despite the alleged due process errors, he would have had no injury and no constitutional claim to bring before the district court.” *Ritter*, 992 F.2d at 754; *Young*, 90 F.3d at 1231. Indeed, the Seventh Circuit confronted a nearly identical set of facts in *Gorzelanczyk v. Baldassone*, 29 F. App’x 402 (7th Cir. 2002). There, an Illinois state court ordered the plaintiff to pay child

judgments are barred under the *Rooker-Feldman* doctrine the registration of that judgment in

This holding is bolstered by the fact that Hunter has two closed cases, both of which expressly “[d]ismissed on [the] merits,” in the Racine County Circuit Court against Fredrickson and Flancher. *Hunter v. Fredrickson*, 2021SC000706 (Racine Cnty. Cir. Ct. Mar. 5, 2021), available at <https://wcca.wicourts.gov/caseDetail.html?caseNo=2021SC00706&countyNo=51> (last visited Oct. 31, 2022); *Hunter v. Flancher*, 2021SC000713 (Racine Cnty. Cir. Ct. Mar. 8, 2021), available at <https://wcca.wicourts.gov/caseDetail.html?caseNo=2021SC000713&countyNo=51> (last visited Oct. 31, 2022). a California court and the garnishment proceedings that followed are themselves immune to review by the district court.”).

Accordingly, under *Rooker-Feldman*, the Court lacks subject matter jurisdiction over Hunter’s constitutional and civil rights claims under Section 1983 (the first through fifth and eleventh causes of action) and these claims must be dismissed without prejudice. To the extent Hunter seeks review of alleged deficiencies in the state proceedings, he may appeal in state court. *See Syph*, 772 F. App’x at 357.

Even if *Rooker-Feldman* did not apply, another jurisdictional defect is present. “[T]he domestic-relations exception to federal jurisdiction blocks federal adjudication of cases involving ‘divorce, alimony, and child custody decrees.’” *Syph*, 772 F. App’x at 357 (quoting *Marshall v. Marshall*, 547 U.S. 293, 307–08 (2006)). The Seventh Circuit applies the domestic-relations exception to cases where a plaintiff seeks relief “associated with . . . a decree of . . . child support.” *Dawaji v. Askar*, 618 F. App’x 858, 860 (7th Cir. 2015). “State courts are assumed to have developed a core proficiency in

probate and domestic relations matters and they can decide federal questions at the same time.” *Syph*, 772 F. App’x at 357 (citing *Sykes v. Cook Cnty. Circuit Court Prob. Div.*, 837 F.3d 736, 741 (7th Cir. 2016)). Hunter’s suit “falls squarely within the domestic-relations exception.” *Id.*; *see also Kowalski v. Boliker*, 893 F.3d 987, 996 (7th Cir. 2018) (claims challenging “action taken by the court and its officers in the course of adjudicating” a state domestic relations case, versus claims regarding “outside actors,” support application of domestic-relations exception to federal jurisdiction). Thus, the Court must dismiss Hunter’s constitutional and civil rights claims under Section 1983 (the first through fifth and eleventh causes of action) without prejudice on this basis as well.

3.3 Immunity Doctrines

The Court notes parenthetically that, even if it had subject matter jurisdiction over the constitutional and civil rights claims, it would be constrained to dismiss with prejudice those claims as against many of the named Defendants on the basis of various immunity doctrines. The Court has already concluded that it lacks jurisdiction over these claims under *Rooker-Feldman*; thus, any inquiry into immunity is purely academic. The Court makes the following observations, however, in the interest of finality.

First, if the Court had jurisdiction, it would dismiss with prejudice the constitutional and civil rights claims against Flancher, Fredrickson, and Cafferty in their individual capacities because judges are absolutely immune from personal liability for acts carried out in a judicial capacity. *Stump v. Sparkman*, 435 U.S. 349, 355–56 (1978). All of Hunter’s allegations involve actions that Flancher, Fredrickson, and Cafferty took in their judicial capacity; specifically, that they did not act upon and/or dismissed his filings, that they continued the case over his objections, or that

they issued a warrant with which he disagreed when he did not pay the child support due.

The Court would also dismiss with prejudice the constitutional and civil rights claims against Craig in his individual capacity because court commissioners, “although not members of a court, perform duties functionally comparable to those of a judicial officer,” and are thus entitled to absolute immunity for acts carried out in a judicial officer capacity. *Crenshaw v. Baynerd*, 180 F.3d 866, 868 (7th Cir. 1999) (“[T]he Commissioners are immune from liability, and absolute immunity defeats a suit at the outset so long as the official’s actions were within the scope of the immunity.”) (internal citations omitted). Hunter’s allegations against Craig are identical to those against Flancher, Fredrickson, and Cafferty, and thus involve actions Craig took in his judicial officer capacity.

The Court would further dismiss with prejudice the constitutional and civil rights claims against Leggett, Lamberty, Krause, and Spypress in their individual capacities because all of the acts Hunter attributes to them were related to their efforts to enforce court orders requiring Hunter to pay child support and/or to prosecute him for his failure to pay. Thus, as RCCSA attorneys prosecuting failure to pay child support, Leggett, Lamberty, Krause, and Spypress are entitled to prosecutorial immunity. *Van de Kamp v. Goldstein*, 555 U.S. 335, 345 (2009) (trial prosecutors and their colleagues “enjoy absolute immunity,” so long as the claim generally relates to “judicial proceeding[s],” and not mere office administrative functions like “workplace hiring, payroll administration, the maintenance of physical facilities, and the like”); *see also Moultrie v. Cheesman*, 20-CV-4083, 2022 WL 4131766, at *4 (C.D. Ill. Sept. 12, 2022) (for suit in her individual capacity, attorney’s “actions in enforcing [plaintiff’s] obligations to pay

child support” protected by prosecutorial immunity) (collecting cases).

Finally, the Court would dismiss with prejudice any constitutional and civil rights claims against the State of Wisconsin, to the extent Hunter intends to bring any claims against the State. The Court emphasizes the latter point because Hunter labels all eleven of his causes of action as proceeding against the individual Defendants but does not label any of them as applicable against the State. States enjoy sovereign immunity; the Eleventh Amendment bars actions in federal courts against the states. *Bd. of Trs. of Univ. of Ala. v. Garrett*, 531 U.S. 356, 360 (2001). This is true as to both monetary and injunctive suits. *Id.* The constitutional and civil rights claims against, at a minimum, Flancher, Fredrickson, and Cafferty in their official capacities would also be dismissed with prejudice on this basis. Wis. Stat. § 753.07 (“[A]ll circuit court judges in this state . . . [are] state employees . . .”); *see also Kentucky v. Graham*, 473 U.S. 159, 169 (1985) (Eleventh Amendment sovereign immunity “remains in effect when State officials are sued for damages in their official capacity”). Again, however, this exercise was purely academic, as the Court lacks jurisdiction over the constitutional and civil rights claims under both *Rooker-Feldman* and the domestic-relations doctrine.

3.4 Hunter’s Motion for Permanent Injunction

Hunter’s motion for permanent injunction seeks to enjoin “the lower Court’s exercise of jurisdiction of a child support order.” ECF No. 14 at 2. For the same reasons the Court lacks jurisdiction over the constitutional and civil rights claims under *Rooker-Feldman* and the domestic-relations exception, it will deny Hunter’s motion for injunctive relief. *See also* 28 U.S.C. § 2283 (“A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary

in aid of its jurisdiction, or to protect or effectuate its judgments.”).

3.5 Hunter’s Motions to Amend His Complaint

On June 8, 2022, Hunter filed a proposed amended complaint. ECF No. 15. At that time, Hunter’s opportunity to amend his complaint as of right under Federal Rule of Civil Procedure 15(a) had passed. Thus, Hunter needed either leave of court or written consent from Defendants to amend his complaint. Fed. R. Civ. P. 15(a)(3). He had neither. ECF No. 18. Hunter’s amended complaint (1) divides between groups of individual Defendants his existing causes of action under the above-identified federal criminal statutes, Section 3720D, and for constitutional and civil rights violations, and (2) purports to bring all of his claims against the individual Defendants in only their individual capacities. ECF No. 15. It also adds additional detail to the physical and mental pain that Hunter alleges he has suffered as a result of the garnishment and arrest warrant. *Id.*

On August 31, 2022, Hunter filed a motion to amend his complaint to add another defendant: Linda Robinson, “a child support worker.” ECF No. 24. He included a proposed amended complaint with the motion which, other than adding the new defendant, remains the same as the first proposed amended complaint. ECF No. 23. This attempt at amendment was again untimely under Rule 15, and Defendants again opposed it. ECF Nos. 25, 26.

Neither of the proposed amended complaints remedies the jurisdictional issues raised in this Order. Nor can they, in light of binding Seventh Circuit and U.S. Supreme Court precedent. Further, though parenthetical, the Court has already addressed that (1) the federal criminal statutes raised by Hunter do not provide a private right of action, (2) Section 3720D does not present a viable claim because the debt owed is not to the

United States, and (3) absolute immunity shields all of the individual Defendants in their individual capacities as to the constitutional and civil rights claims. Thus, the Court denies leave to amend as to both of Hunter's attempts and/or motions to do so. ECF Nos. 15, 24.

4. CONCLUSION

Based on the foregoing, the Court grants Defendants' motions to dismiss. ECF Nos. 11, 16. The Court dismisses with prejudice Hunter's sixth, seventh, eighth, ninth, and tenth causes of action. The Court dismisses without prejudice Hunter's first, second, third, fourth, fifth, and eleventh causes of action. The Court denies Hunter's motion for permanent injunction. ECF No. 14. The Court further denies Hunter's requests and/or motions to amend his complaint. ECF Nos. 15, 24. In light of the *Rooker-Feldman* doctrine, the Court determines that any amendment of the pleadings would be futile. *Sheikhani v. Wells Fargo Bank*, 577 F. App'x 610, 611 (7th Cir. 2014) (amendment is futile where “*Rooker-Feldman* puts [the] dispute outside the district court’s jurisdiction”). As a result, the Court dismisses the entire action.

Accordingly,

IT IS ORDERED that Defendants Jeff Leggett, Heather Krause, Theodore Spyress, Scott Craig, and Aaron Lamberty's motion to dismiss, ECF No. 11, be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that Defendants Faye Flancher, Jon Fredrickson, Kristin Cafferty, and the State of Wisconsin's motion to dismiss, ECF No. 16, be and the same is hereby **GRANTED**;

IT IS FURTHER ORDERED that Plaintiff Paul Hunter's sixth, seventh, eighth, ninth, and tenth causes of action, ECF

No. 1 at 24–31, be and the same are hereby **DISMISSED with prejudice**;

IT IS FURTHER ORDERED that Plaintiff Paul Hunter's first, second, third, fourth, fifth, and eleventh causes of action, ECF No. 1 at 17– 14, 33–34, be and the same are hereby **DISMISSED without prejudice**;

IT IS FURTHER ORDERED that Plaintiff Paul Hunter's motion for permanent injunction, ECF No. 14, be and the same is hereby **DENIED**;

IT IS FURTHER ORDERED that Plaintiff Paul Hunter's proposed amended complaint, ECF No. 15, and motion to add defendant to second proposed amended complaint, ECF No. 24, be and the same are hereby **DENIED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED**.

The Clerk of Court is directed to enter judgment accordingly.
Dated at Milwaukee, Wisconsin, this 31st day of October,
2022.

BY THE COURT:

J.P. Stadtmueller U.S. District Judge

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

July 20, 2023

Before

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 22-3146

PAUL HUNTER,

Plaintiff-Appellant,

v.

Appeal from the United States District
Court for the Eastern District of
Wisconsin.

JEFF LEGGETT, et al.,

Defendants-Appellees.

No. 2:22-cv-00424

J.P. Stadtmauer,
Judge.

O R D E R

Upon consideration of Plaintiff-Appellant's motion for Findings of Fact and Conclusions of Law filed on July 14, 2023, and construed as a petition for panel rehearing, all members of the original panel have voted to deny the petition.

Accordingly, the petition for rehearing is hereby DENIED.

STILL REQUESTING FOR ORAL ARGUMENT

Defendant and pro per, Paul Lamar Hunter respectfully requests this Court to grant oral argument, in the interest of justice re Appellant's right to be heard.

Dated: 13th day of October, 2023

Respectfully Submitted,

By: Paul h. Hunter

Paul Lamar Hunter, Pro Per

Plaintiff

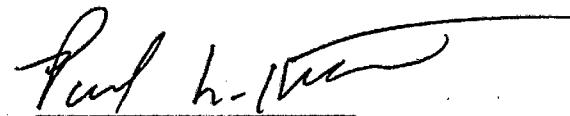
7600 Blanco Road #4802

San Antonio, TX 78216

VERIFICATION

(STATE of Texas)
(COUNTY of Bexar) ss.

I, Paul Lamar Hunter (PRINT) being duly sworn, deposed and says that I am named as the ACCUSED in the above-entitled proceeding and that the foregoing information is true to his own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters he believes it to be true.



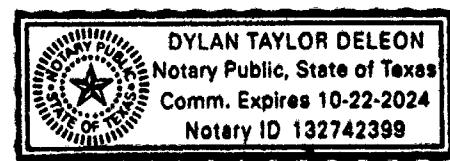
(Signature), ACCUSED,
In Propria Persona. All
Rights Reserved
pursuant to UCC-1-308.

The foregoing instrument was acknowledged before me

This 15th day of October 2023,

By Paul Lamar Hunter

Sworn to before me this 15th day of October, 2023.

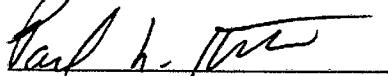

Notary Public

CERTIFICATE OF COMPLIANCE

I, Paul Lamar Hunter, hereby certify pursuant to Rule 33.1(g)(i) that this petition of writ is proportionally spaced, has a typeface (Century) of 12 points and contains 3,012 which is 9,000 words or less (excluding, as permitted by Rule 32.1(b), the Table of Contents, Table of Authorities, Citations of the official and unofficial reports of opinions and orders entered in the case, statement of the jurisdiction, constitutional provisions and Certificate of Compliance), as counted by the processing system used to produce this petition Rule 14.1.

Dated: 16th day of October, 2023

Respectfully Submitted,



Paul Lamar Hunter
7600 Blanco Road #4802
San Antonio, Texas 78216
Pro Per Persona

CERTIFICATE OF PROOF FOR SERVICE

I certify that this **Writ of Cert and Appendix** complies with Rule 29.5 and was either hand-delivered or mailed first class USPS to the following parties, to wit:

Micaela E. Haggenjos Wisconsin Bar No.1118840
Samuel C. Hall JR. Wisconsin Bar No.1045476
Crivello Carlson, S.C.,
710 N. Plankinton Avenue, Suite 500
Milwaukee, WI 53203
414-271-7722
mhaggenjos@crivellocarlson.com
shall@crivellocarlson.com

Attorney for Jeff Leggett, Heather Krause, Theodore Spypress, Scott Craig, and Aaron Lamerty.

Josh Kaul
Attorney General
Michael D. Morris **Assistant Attorney General State Bar. 1112934**
Wisconsin Department of Justice
Office of the Attorney General
PO Box 7857
Madison, WI 53707-7857
608-266-3936
Email: morrismd@doj.state.wi.us

Attorney for Faye Flancher,
Jon Fredrickson, and Kristin Cafferty.

Date: 10/20/, 2023
By: Paul L. Hunter
Signature

Return All Replies To:
Paul Lamar Hunter, In Propria Persona
7600 Blanco Road #4802
San Antonio, 78216